

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Gerard Boulanger

v.

Civil No. 06-cv-308-JD

Harley G. Lappin, Director,  
Federal Bureau of Prisons, et al.

**O R D E R**

Proceeding pro se, Gerard Boulanger has filed this action pursuant to both Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 338 (1971), against employees of the Federal Bureau of Prisons ("BOP"), and 42 U.S.C. § 1983, against employees of the Strafford County Department of Corrections ("SCDC").<sup>1</sup> The complaint is before me for preliminary review to determine whether, among other things, it states any claim upon which relief might be granted. See 28 U.S.C. § 1915A; United States District Court for the District of New Hampshire Local Rule

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<sup>1</sup>Boulanger names the following defendants to this action: Harley G. Lappin, Director, Federal Bureau of Prisons, Robert Gilbert, Director, United States Marshal Service for the District of New Hampshire, J. Reaster, Director, Strafford County Department of Corrections ("SCDC"), SCDC Superintendent Warren Dowaliby, SCDC Capt. D. Rollins, SCDC Classification Specialist Linda Lee, SCDC Lt. Donna Roy, SCDC Lt. J. Sullivan, SCDC Sgt. J. McPherson, SCDC Cpl. J. Pelkie.

("LR") 4.3(d)(2). For the reasons stated in a Report and Recommendation issued simultaneously with this Order, I direct that the following claims: punitive segregated housing without a hearing, excessive restraints, lack of exercise, and sleep deprivation due to lights and searches in Boulanger's cell, proceed against defendants Gilbert, Dowaliby, Rollins, Lee, Roy, Sullivan, McPherson, and Pelkie in their individual capacities. In my Report and Recommendation, I recommend that the remaining claims and defendants be dismissed from this action.

As I find that plaintiff has stated a claims upon which relief may be granted, and without further comment on the merits of those claims, I order that the complaint be served on Defendants. My review of the file indicates that the plaintiff has submitted the necessary summons forms for the defendants named in his complaint. I direct the Clerk's office to issue the summonses against the defendants.

For the SCDC defendants, I direct the Clerk's office to forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint (document no. 1), the Report and Recommendation issued this date, and this Order. Upon receipt of the necessary

documentation, the U.S. Marshal's office shall effect service upon the SCDC defendants. See Fed. R. Civ. P. 4(c)(2).

I further order that the complaint be served upon defendant Gilbert. As to defendant Gilbert, the Clerk's office is directed to issue the necessary summons form and forward to (i) the United States Attorney for the District of New Hampshire, (ii) the Attorney General of the United States, and (iii) United States Marshal's Service for the District of New Hampshire, by certified mail, return receipt requested, the summons and copies of the Complaint (document no. 1), the Report and Recommendation issued this date, and this Order. See Fed. R. Civ. P. 4(c)(2) and 4(i).

The SCDC defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A). Defendant Gilbert is instructed to answer or otherwise plead within sixty days of service. See Fed. R. Civ. P. 12(a)(3).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on

the Defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

**SO ORDERED.**

  
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James R. Muirhead  
United States Magistrate Judge

Date: November 15, 2006

cc: Gerard Boulanger, pro se